

YOSHIMOTO LAW GROUP
A Limited Liability Law Company

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Attorneys for Defendant
TARGET CORPORATION

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LYDIA H. SADAOKA,

Plaintiff,

vs.

TARGET CORPORATION, a foreign profit
corporation; JOHN DOES 1-10; JANE DOES
1-10; DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO. 1CCV-21-0000909
(Other Non-Vehicle Tort)

DEFENDANT TARGET
CORPORATION'S ANSWER TO
COMPLAINT FILED JULY 16, 2021;
DEMAND FOR JURY TRIAL;
CERTIFICATE OF SERVICE

DEFENDANT TARGET CORPORATION'S
ANSWER TO COMPLAINT FILED JULY 16, 2021

Defendant Target Corporation ("TARGET") by and through its attorneys, YOSHIMOTO LAW GROUP, LLC, hereby files this Answer to Plaintiff's Complaint filed on July 16, 2021, ("Complaint") as follows:

FIRST DEFENSE

1. The Complaint fails to state a claim against TARGET upon which relief can be granted.

SECOND DEFENSE

2. In response to the allegations contained in paragraphs 1, 5 and 6 of the Complaint, TARGET is without knowledge or information sufficient to form a belief as to the truth of said paragraphs and leaves Plaintiff to her proof, and on that basis, denies the same.

3. TARGET notes that page 2 of the Complaint skips paragraph 3 (goes from paragraph 2 to 4).

4. With respect to paragraphs 2 and 4 of the Complaint, TARGET admits that it is a retail store chain incorporated and formed in Minneapolis, Minnesota and operates the Target Store at 1450 Ala Moana Boulevard, Suite 2401, Honolulu Hawaii 96814. TARGET is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in said paragraphs and leaves Plaintiffs to their proof, and on that basis, denies the same.

5. TARGET denies the allegations contained within paragraphs 7, 8, 9, 11, 13, 14, 16 and 17 of the Complaint.

6. With respect to the allegation in paragraph 10 of the Complaint, TARGET states that the allegations contained therein call for a legal conclusion or is a general statement of the law requiring no response, and thus, hereby denying the allegations contained herein and leave Plaintiff to her proof.

7. In response to paragraph 12 and 15 of the Complaint, TARGET realleges and incorporates the responses contained herein.

8. TARGET denies any and all other allegations in the Complaint not specifically addressed herein.

THIRD DEFENSE

9. TARGET intends to rely on the defense of failure to join indispensable parties.

FOURTH DEFENSE

10. TARGET intends to rely on the defense that the conduct of TARGET is not a substantial factor or a proximate cause of the damages and/or losses, if any, sustained by Plaintiff.

FIFTH DEFENSE

11. Plaintiff knowingly, willingly and voluntarily assumed the risk of harm and such voluntary assumption of risk was the proximate cause of Plaintiff's injuries/damages.

SIXTH DEFENSE

12. TARGET intends to rely on the defenses of waiver, estoppel, laches and unclean hands.

SEVENTH DEFENSE

13. TARGET intends to rely on the defense of failure to mitigate damages.

EIGHTH DEFENSE

14. TARGET intends to rely on the defense of statute of limitations.

NINTH DEFENSE

15. TARGET intends to rely on the defense of lack of notice.

TENTH DEFENSE

16. TARGET intends to rely on the defense of apportionment of damages.

ELEVENTH DEFENSE

17. Wrongful acts of others contributed to and/or exacerbated the conditions upon which Plaintiff claims to have caused their injuries and TARGET cannot be held liable for the conduct of others.

TWELFTH DEFENSE

18. TARGET intends to rely on the defense of contributory and/or comparative negligence.

THIRTEENTH DEFENSE

19. Plaintiff's claims are barred by reason of Plaintiff's own negligence, inaction or other wrongful conduct which caused the injuries alleged the Complaint.

FOURTEENTH DEFENSE

20. TARGET intends to rely on the defense that the negligence and/or other wrong doing of other parties or individuals are the sole proximate cause of injuries/damages alleged herein.

FIFTEENTH DEFENSE

21. TARGET intends to rely on the defense that it owes no duty to Plaintiff.

SIXTEENTH DEFENSE

22. Plaintiff's damages and/or losses, if any, were the proximate result of an act of God and/or natural and unavoidable causes beyond the control of TARGET.

SEVENTEENTH DEFENSE

23. Plaintiff is barred from maintaining this action because TARGET's actions were taken with Plaintiff's consent.

EIGHTEENTH DEFENSE

24. Plaintiff's recovery in this action, if any, should be reduced in accordance with the doctrine of avoidable consequences.

NINETEENTH DEFENSE

25. TARGET intends to rely upon any other defenses, including but not limited to affirmative defenses, set forth in Rules 8(c), 9, 12(b) and 12(h) of the Hawaii Rules of Civil Procedure, or as provided by law or statute, which may apply, and which are not alleged in this Complaint. TARGET also intends to seek leave to amend this answer to allege such defenses of which they become aware during the course of discovery or trial of such defenses.

WHEREFORE, TARGET prays that:

- A. That the Complaint against TARGET be dismissed with prejudice.
- B. That TARGET be awarded its costs and attorneys' fees incurred herein.
- C. That TARGET be awarded such other relief that this Court may deem just and appropriate.

DATED: Honolulu, Hawaii, August 25, 2021.

YOSHIMOTO LAW GROUP
A Limited Liability Law Company

/s/ Donna A.O. Yoshimoto
DONNA A. O. YOSHIMOTO
JASON H. FIEMAN

Attorneys for Defendant
TARGET CORPORATION

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LYDIA H. SADAOKA,

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Defendants.

CIVIL NO. 1CCV-21-0000909
(Motor Vehicle Tort)

DEMAND FOR JURY TRIAL

DEMAND FOR JURY TRIAL

Defendant TARGET CORPORATION, by and through its attorneys, YOSHIMOTO LAW GROUP, LLC, hereby demands a jury on all issues triable herein.

DATED: Honolulu, Hawaii, August 25, 2021.

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/s/ Donna A.O. Yoshimoto
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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that on the date indicated below, a copy of the foregoing document was duly served electronically via JEFS/JIMS, as follows:

IAN SCOTT MATTOCH, ESQ.
DANIEL P. KIRLEY, ESQ.
Mattoch & Kirley, LLC
1003 Bishop Street, Suite 890
Honolulu, Hawaii 96813

Attorneys for Plaintiff

DATED: Honolulu, Hawaii, August 25, 2021.

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/s/ Donna A.O. Yoshimoto
DONNA A. O. YOSHIMOTO
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